UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Securities and Exchange Commission,	:	
	:	
Plaintiff,	:	**Case No. 2:08-cv-667**
	:	
v.	:	**Judge Edmund A. Sargus, Jr.**
	:	
One Equity Corporation, et al.,	:	**Magistrate Judge Mark R. Abel**
	:	
Defendants.	:	

ORDER APPROVING APPLICATION BY COURT APPOINTED RECEIVER TO SELL CERTAIN REAL PROPERTY BY PRIVATE SALE, SUBJECT TO HIGHER OFFER, FREE AND CLEAR OF LIENS AND ENCUMBRANCES

This matter comes before this Court upon the Application by Court Appointed Receiver to Sell Certain Real Property by Private Sale, Subject to Higher Offer, Free and Clear of Liens and Encumbrances ("Application") [Doc. No. 237]. The Application was filed on November 15, 2011, and no objections or higher offers have been timely filed.

Upon review of the Application, this Court hereby finds that through negotiations with Shawn Cunix and Christina Cunix, the Receiver negotiated, subject to Court approval, a Real Estate Purchase Contract ("Contract") for the purchase of Real Property more commonly known as 1607 Woodland Hall Drive, Delaware, Ohio. Pursuant to the Contract, the proposed purchase price for the Real Property is $325,000.00.

The Court further finds that the purchase price of $325,000.00 is payable in cash at the time of delivery of the Deed. Said purchase price is payable in immediately available funds. From the balance of the proceeds, the Receiver shall pay real estate broker Jeff Gongwer of RE/MAX Affiliates, Inc., a real estate commission of five percent (5%), being $16,250.00. The Delaware County Treasurer shall be paid any taxes and assessments as prorated through the date of closing. The Woodland Hall Owners Association shall be paid any unpaid fees and assessments as prorated through the date of closing. The Receiver shall convey the Real Property by a fiduciary deed, free and clear of liens and encumbrances. The Receiver shall file a Report of Sale after the closing occurs.

The Court hereby finds that no objections were timely filed. The Court further finds that no higher offers were timely filed.

The Court finds that the Receiver has shown good cause to approve the Application and sale of said Real Property to Shawn Cunix and Christina Cunix pursuant to the terms stated in said Application.

Therefore, it is hereby ORDERED that the Application is approved and that the Receiver shall forthwith proceed with the sale and closing of the Real Property pursuant to the terms stated in the Application. The Receiver shall serve this Order, within five (5) days of entry, upon the Master Service List and service parties listed below. Further, it is hereby Ordered that the Receiver shall file a Report of Sale within thirty (30) days of the closing. Said Report of Sale shall be served upon the Master Service List and the parties receiving service copies of this Order.

IT IS SO ORDERED.

Dated: 12-20-2011, 2011

Edmund A. Sargus, Jr.
United States District Judge

Service Copies shall be served by Receiver to Master Service List and service parties listed below:

Gene Sytsma, Treasurer and Statutory Agent
Woodland Hall Owners Association
P.O. Box 39
Lewis Center, OH 43035

Shawn Cunix and Christina Cunix
1581 Woodland Hall Drive
Delaware, OH 43015

Laura Infante, Esq.
The Law Offices of John D. Clunk Co., LPA
4550 Courthouse Boulevard, Suite 400
Stow, Ohio 44224
Counsel for One West Bank, FSB

Jeff Gongwer
RE/MAX Affiliates, Inc.
570 North State Street, Suite 110
Westerville, OH 43082

Delaware County Treasurer, Jon Peterson
140 North Sandusky Street
Delaware, OH 43015

One West Bank, FSB
Attn: Cash Processing
6900 Beatrice Drive
Kalamazoo, MI 49009

David Axelrod, Esq.
Axelrod Laliberte LLC
137 East State Street
Columbus, OH 43215

Thomas Botts
1329 Pannelly Drive
Westerville, OH 43081